

87th Legislative Session – 2012

Committee: House Judiciary

Wednesday, February 01, 2012

P - Present
E - Excused
A - Absent

Roll Call

P Abdallah
P Boomgarden
P Feinstein
P Gibson
P Hansen (Jon)
P Killer
P Kopp
P Nelson (Stace)
P Russell
P Tornow
P Turbiville
P Gosch, Vice-Chair
P Hunt, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chairman, Representative Roger Hunt.

MOTION: TO APPROVE THE MINUTES OF MONDAY, JANUARY 30, 2012

Moved by: Gosch
Second by: Hansen (Jon)
Action: Prevailed by voice vote.

HB 1143: revise certain provisions relating to a perpetrator's knowledge of a rape victim's age or capability to give consent.

Presented by: Representative Stace Nelson

Opponents: Lindsey Riter-Rapp, SD Association Criminal Defense Lawyers

MOTION: DO PASS HB 1143

Moved by: Tornow
Second by: Kopp
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND HB 1143

1143rb

On page 2 of the printed bill, delete lines 2 and 3, and insert "anesthetic agent or hypnosis; or".

Moved by: Feinstein
Second by: Killer
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1143 AS AMENDED

Moved by: Hansen (Jon)
Second by: Turbiville
Action: Prevailed by roll call vote. (7-5-1-0)

Voting Yes: Abdallah, Hansen (Jon), Killer, Kopp, Nelson (Stace), Russell, Tornow

Voting No: Boomgarden, Feinstein, Gibson, Turbiville, Gosch

Excused: Hunt

HB 1099: increase the fee for a payor to withhold child support.

Presented by: Representative Shawn Tornow
Proponents: Jeff Tornow, Electronic Systems Incorporated (Handouts: #1)
David Owen, SD Chamber of Commerce and Industry
Opponents: Terry Walter, Department of Social Services

MOTION: DEFER HB 1099 TO THE 41ST LEGISLATIVE DAY

Moved by: Turbiville
Second by: Abdallah
Action: Was not acted on.

Gavel returned to Chair.

MOTION: SUBSTITUTE MOTION DO PASS HB 1099

Moved by: Kopp
Second by: Russell
Action: Failed by roll call vote. (4-8-1-0)

Voting Yes: Hansen (Jon), Kopp, Russell, Tornow

Voting No: Abdallah, Boomgarden, Feinstein, Gibson, Killer, Turbiville, Gosch, Hunt

Excused: Nelson (Stace)

THE MOTION TO DEFER HB 1099 TO THE 41ST LEGISLATIVE DAY

Moved by: Turbiville
Second by: Abdallah
Action: PREVAILED BY ROLL CALL VOTE. (8-4-1-0)

Voting Yes: Abdallah, Boomgarden, Feinstein, Gibson, Killer, Turbiville, Gosch, Hunt

Voting No: Hansen (Jon), Kopp, Russell, Tornow

Excused: Nelson (Stace)

HB 1213: revise certain provisions regarding liability for torts and product identification requirements.

MOTION: REFER HB 1213 TO STATE AFFAIRS

Moved by: Boomgarden
Second by: Turbiville
Action: Prevailed by voice vote.

HB 1053: establish the hope card program relating to protection orders.

Presented by: Representative Patricia Stricherz (Handouts: #1, #2 and #3)

Opponents: Greg Sattizahn, Unified Judicial System

THE CHAIR DEFERRED HB 1053 UNTIL A LATER DATE, UNTIL A FISCAL NOTE IS OBTAINED.

HB 1114: amend provision limiting the time used to determine if a violation is a third or subsequent offense.

Presented by: Representative Jon Hansen

Proponents: Paul Bachand, SD State's Attorneys Association

Dianna Miller, SD Network Against Family Violence and Sexual Assault

Lynne Valenti, Department of Social Services

MOTION: DO PASS HB 1114

Moved by: Gibson

Second by: Gosch

Action: Prevailed by roll call vote. (10-0-3-0)

Voting Yes: Boomgarden, Feinstein, Gibson, Hansen (Jon), Killer, Kopp, Russell, Turbiville, Gosch, Hunt

Excused: Abdallah, Nelson (Stace), Tornow

MOTION: PLACE HB 1114 ON CONSENT CALENDAR

Moved by: Turbiville

Second by: Gosch

Action: Failed by voice vote.

HB 1181: revise certain requirements concerning the qualifications of petition circulators.

Presented by: Representative Mark Kirkeby

MOTION: AMEND HB 1181

1181ra

On page 1 of the printed bill, delete lines 10 and 11, and insert "or issues on any election ballot";".

Moved by: Abdallah
Second by: Hansen (Jon)
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1181 AS AMENDED

Moved by: Turbiville
Second by: Gosch
Action: Prevailed by roll call vote. (10-2-1-0)

Voting Yes: Abdallah, Boomgarden, Gibson, Hansen (Jon), Kopp, Russell, Tornow, Turbiville, Gosch, Hunt

Voting No: Feinstein, Killer

Excused: Nelson (Stace)

HB 1186: prohibit registered sex offenders from circulating petitions and to provide a penalty for the violation thereof.

Presented by: Representative Phil Jensen
Proponents: Kevin Thom, Pennington County Sherrif's Office (Handouts: #1, #2 and #3)
Staci Eggert, SD Sheriff's Association

MOTION: DO PASS HB 1186

Moved by: Boomgarden
Second by: Turbiville
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND HB 1186

1186ra

On page 2 of the printed bill, delete lines 2 to 6, inclusive.

Moved by: Hansen (Jon)
Second by: Gosch
Action: Failed by roll call vote. (2-10-1-0)

Voting Yes: Hansen (Jon), Hunt

Voting No: Abdallah, Boomgarden, Feinstein, Gibson, Killer, Kopp, Russell, Tornow, Turbiville, Gosch

Excused: Nelson (Stace)

THE MOTION TO DO PASS HB 1186

Moved by: Boomgarden
Second by: Turbiville
Action: PREVAILED BY ROLL CALL VOTE. (10-2-1-0)

Voting Yes: Abdallah, Boomgarden, Gibson, Hansen (Jon), Kopp, Russell, Tornow, Turbiville, Gosch, Hunt

Voting No: Feinstein, Killer

Excused: Nelson (Stace)

HB 1160: provide for the award of filing fees as court costs in certain appeals.

THE CHAIR DEFERRED HB 1160 UNTIL THE NEXT MEETING.

HB 1126: establish provisions that a bond paid by, or on behalf of, a defendant in a criminal case shall be paid to the Department of Social Services to pay any child support the defendant owes.

THE CHAIR DEFERRED HB 1126 UNTIL THE NEXT MEETING.

MOTION: ADJOURN

Moved by: Gosch
Second by: Hansen (Jon)
Action: Prevailed by voice vote.

Bonnie Fischer
Committee Secretary

Roger W. Hunt, Chair